



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held August 7, 2007, the Board took the following action:

50-A

Supervisor Yaroslavsky made the following statement:

“On Friday night, August 3, 2007, at approximately 11:51 p.m., Secretary of State (SOS) Debra Bowen issued the results of her ‘Top-to-Bottom Review’ of voting systems used within the State of California.

“Per prior agreement with the SOS, Los Angeles County’s vote tabulation equipment, known as the Micro Tally System (MTS), was excluded from the top-to-bottom review. The reason for this exclusion is the County’s intent to eliminate use of the MTS as soon as the Diebold GEMS II vote tabulation system is certified for use in California. However, two other systems used by the County were included in the SOS review: the Diebold AccuVote-TSX (TouchScreen) system which the County uses for early voting, and the Election Systems & Software, Inc. (ES&S) InkaVote Plus/Precinct Ballot Readers, which at the present time are used for Help America Vote Act (HAVA) compliance (disabled voting and under/over votes) only. Diebold submitted its materials to the SOS for review in accordance with the timetable requested. ES&S did not submit its materials to the SOS until after the deadline for participation in the top-to-bottom review.

“In her August 3rd decision, the SOS decertified the Diebold AccuVote-TSX and then immediately recertified it with a long series of conditions. The SOS also decertified ES&S’ InkaVote but indicated her willingness to review it in the coming weeks and to recertify it in time for use in the February 2008 Presidential Primary.

“These conditions will create challenges for the County. The County will be conducting three elections between now and February 2008: the run-off election in the 37th Congressional District on August 21, 2007; the recall election in the City of Lynwood in September; and the Uniform District (UDEL) Elections in November. Since the SOS decision does not take effect until February 2008, use of the Diebold TouchScreen and InkaVote systems will be legal in those elections.

(Continued on Page 2)

50-A (Continued)

“Yet, the County has only six months from last Friday to determine whether and how it can meet the SOS’ conditions for continued use of the Diebold TouchScreen in future elections beginning with next year’s Presidential primary. If the InkaVote system is not ultimately certified the County will be out of compliance with Federal Law which requires disabled access to voting machines.

“These matters only became public close to midnight on Friday, August 3rd – well past the posting of today’s agenda.”

Conny B. McCormack, Registrar-Recorder/County Clerk, and William T Fujioka, Chief Executive Officer, responded to questions posed by the Board.

Arnold Sachs also addressed the Board.

After discussion, on motion of Supervisor Yaroslavsky, seconded by Supervisor Antonovich, unanimously carried, the Board took the following actions:

1. Made a finding pursuant to Government Code Section 54954.2(b)(2), that there is a need to take immediate action and that the need for action came to the attention of the Board subsequent to the agenda being posted as specified in subdivision (a); and
2. Instructed the Registrar-Recorder and County Counsel to present a report to the Board at its meeting of Tuesday, August 14, 2007, concerning the Secretary of State’s Top-to-Bottom Review of Voting Systems and its impact on elections to be conducted by the County within the next six months.

07080707_50-A

Copies distributed:

Each Supervisor
Chief Administrative Officer
County Counsel
Registrar-Recorder/County Clerk